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TPI Sues Competing Personals Ad Business, Alleging Patent Infringement

By [Ruth Hammond](#)
september 29, 2004 11:21 am

The company that has long been a dominant force in the newspaper personal ads business is suing its former president for patent infringement. The ex-president, Andrew B. Sutcliffe, launched a competing personals business, known as SelectAlternatives, last year.

On Sept. 22, Tele-Publishing Inc. filed suit in U.S. District Court in Arizona against Sutcliffe and his Tucson-based company, Sutcliffe Associates. Also named in the suit are five publishing companies that own papers that use SelectAlternatives. The papers are the Chicago Reader, Washington City Paper, The Stranger, Illinois Times and City Newspaper. All of them belong to the Association of Alternative Newsweeklies.

At issue are four processes invented by Sutcliffe and software developers at TPI while Sutcliffe was president of that company. According to patents filed with the U.S. Patent Office, the processes are designed to match users by comparing certain criteria, to provide personals over a public network by integrating data from various ad-taking systems into a single database, and to track users' personal contacts to create personal journals. TPI is the owner of the four patents.

TPI President David Dinnage explained in an e-mail: "The patents relate to a range of technologies that make personals advertising more valuable to publishers and their end users, including the integration of matching, voice and email technologies as well as the ability to aggregate, or keep separate, personal advertisements from different sources, such as individual publications."

The suit claims that Sutcliffe, his company and the five newspaper companies have been infringing, inducing others to infringe and/or contributing to the infringement of the four patents. It says the alleged infringement has caused TPI irreparable damage, and the company will continue to suffer irreparable injury unless the defendants are enjoined from infringing the patents. The company seeks damages and attorney's fees.

Dinnage says he and Sutcliffe co-founded the Boston-based TPI in 1989. Sutcliffe served as the relationship services company's president until he left in 1998 and was replaced by Dinnage.

On Tuesday, Sutcliffe read a statement to AAN News that he was preparing in response to the suit. "The lawsuit is totally without merit," he said. For example, "we do not do two-way matching and we have no personal journal entry system," he said. Nevertheless, he complained, the suit has brought his ability to sign up other papers for SelectAlternatives "to a standstill."

In response to an e-mail inquiry, publishers of the newspapers named as co-defendants gave no comment, said it was too early to comment or did not respond. In his statement, Sutcliffe said he was "especially heartened that so many in the AAN community have come to my defense" and vowed to "vigorously defend against this unwarranted lawsuit."

TPI and SelectAlternatives are both associate members of AAN, and their representatives attend AAN conferences and its annual convention to make connections with papers that might use their services.

TPI counts 60 to 70 AAN papers among its many newspaper clients, Dinnage says. Date-seekers who use its services take out print ads that run in the individual papers. Readers who want to respond to the ads can call a designated number, punch in the code of a prospective partner, listen to that person's voice greeting and leave a call-back message. For this, they pay a per-minute rate. At the Boston Phoenix, TPI's original client paper, the rate is \$2.19 a minute.

TPI has also rolled out an add-on service, which allows singles to receive flirtatious text messages via their cell phones. The personals company is owned by the Phoenix Media/Communications Group, which publishes the Boston Phoenix.

In the late 1990s, many personals users migrated from voice-based matchmaking services to Internet-based services, and the personals revenue that helped to make that decade so lucrative for the alternative newsweekly business began to shrink. To compete, TPI began offering its own online component. In 2003, TPI announced a decision to partner with Match.com, the popular subscription-based online dating service, to provide the online component for its personals.

Dinnage said in a phone interview that the outsourcing experiment with Match.com will end Thursday, when TPI will roll out its own new online service. The goal is to provide a "customized, hyperlocalized" service to each client paper.

SelectAlternatives has promoted itself as "the next-generation product for alternative newsweeklies." It abandons the expensive pay-per-minute voice-message model of matchmaking yet still promises profits for client papers. "Remember when your personals made lots of money? Those days are coming back..." SelectAlternative's sales brochure announces.

In an interview with AAN News last winter, Sutcliffe said the "gluttony" of voice personal services were a factor in their decline; the typical four-and-a-half minute call runs a user \$9, he pointed out. He also criticized TPI's online service at the time, Match.com, as being "sort of the Wal-Mart of dating." To distinguish itself, SelectAlternatives marketed itself as being "a truly 'local' service."

"Part of the elixir of alternative newsweeklies is a sense of community," Sutcliffe said back then. He expected SelectAlternatives to tap that sense of community to allow singles with similar psychographics or, in non-marketing terms, kindred spirits, to find each other. When users of SelectAlternatives build their profiles, they have the option of responding to questions tailored to each publication and its local market. Advertisers in Seattle's The Stranger, for instance, disclose whether they prefer the monorail or light rail, while advertisers in Washington City Paper indicate whether they're more often on the Metro's Red Line or Orange Line. Date-seekers can also reveal their favorite local haunts and what feature they read first in their respective alt-weeklies.

To contact members, either by phone or e-mail, SelectAlternative clients can buy passes for varying time periods, or they can buy stamps that allow them to send e-mails. At client paper The Stranger, the cost ranges from \$4.99 for a one-day pass to \$39.98 for 90 days.

Dinnage says Sutcliffe has some good ideas for matching singles that are worthy of imitation. "The entire [matchmaking] industry has been based on people stealing ideas from others," he says.

But, he adds, "patents are a whole different ballgame." Applying for a patent is an extremely rigorous process, one that Dinnage says cost TPI hundreds of thousands of dollars. "If you violate our intellectual property rights, we're not going to sit there....I'm running a business, and I've got to take a stand."

[Click here](#) to read TPI's official statement about the suit.

[Click here](#) to read Sutcliffe's statement in response.

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